



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

February 27, 1998

Mr. J. Middlebrooks
Assistant City Attorney
Criminal Law and Police Division
City of Dallas
Municipal Building
Dallas, Texas 75201

OR98-0560

Dear Mr. J. Middlebrooks:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112835.

The City of Dallas Police Department (the "department") received a request for "a list of maintenance records & receipts for work completed by Day & Night Automotive located at I and E Grand (DPD covert vehicles)" You claim that some of the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information, which was marked to show the information you seek to withhold.

Section 552.108 provides in part:

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from [required public disclosure] if:

- (1) release of the internal record or notation would interfere with law enforcement or prosecution;
- (2) the internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication; or

(3) the internal record or notation:

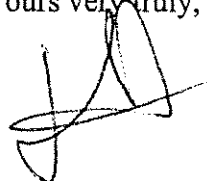
(A) is prepared by an attorney representing the state in anticipation of or in the course of preparing for criminal litigation; or

(B) reflects the mental impressions or legal reasoning of an attorney representing the state.¹

You state that the "the requested information consists of internal records relating to the maintenance of DPD equipment used directly in law enforcement." And that the release of this type of information would interfere with law enforcement because "disclosure of the identity of DPD personnel and vehicles engaged in the department's covert operations would virtually destroy DPD's . . . ability to conduct covert investigations."² You have shown how the release of the marked information, showing the identity of the department personnel and vehicles engaged in the department's covert operations, would interfere with law enforcement or prosecution. Therefore, we conclude that the department may withhold only the information that you have highlighted, which identifies the personnel and the vehicles under section 552.108. The remaining information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Janet I. Monteros
Assistant Attorney General
Open Records Division

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¹The Seventy-fifth Legislature amended section 552.108. See Act of June 1, 1997, H.B. 951 § 1, 75th Leg., R.S. (to be codified at Gov't Code § 552.108).

²We refer to the requestor's correspondence to this office which indicates they do not seek the names of personnel assigned to the vehicles nor the license plate numbers or the color of the vehicles.

Ref.: ID# 112835

Enclosures: Submitted documents

cc: Mr. Gerard Ramalho
1100 N. Central Expwy.
Dallas, Texas 75231
(w/o enclosures)